

UNITED STATES DISTRICT COURT
DISTRICT OF NEW YORK

X

BRIAN FIELMAN, on behalf of himself and all
others similarly situated,

07 CIV 6815

Plaintiff,

**DECLARATION OF DIANE
PETROCCIONE IN SUPPORT
OF DEFENDANTS' MOTION
TO DISMISS**

v.

Defendants.

X

PEPSICO, INC., THE PEPSI BOTTLING GROUP,
INC., and PEPSI BOTTLING VENTURES LLC,

DIANE PETROCCIONE, pursuant to 28 U.S.C. § 1746, declares under penalty of
perjury as follows:

1. I am the Senior Manager, Scientific Regulatory Affairs, of Defendant PepsiCo,
Inc. and submit this declaration on the basis of personal knowledge in support of the Motion to
Dismiss by Defendants PepsiCo, Inc, The Pepsi Bottling Group, Inc and Pepsi Bottling Ventures
LLC.

2. I have worked for PepsiCo, Inc. continuously since February 2001. During that
time, the words "purified drinking water" have always appeared prominently on the front of the
label of PepsiCo's Aquafina brand bottled water ("Aquafina") sold in New York state.

3. I am attaching hereto as Exhibit A, a true and correct copy of an Aquafina label
used in New York state.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
September 18, 2007.

Diane Petroccione

EXHIBIT

A

